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JFw

A-9001D  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David GERDT et al.

Appln. No.: 10/082,290

Group Art Unit: 2874

Filed: February 26, 2002

Examiner: J. Kang

For: SENSING APPARATUS EMPLOYING VARIABLE COUPLER  
FIBEROPTIC SENSOR

RESPONSE

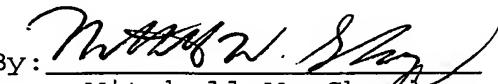
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responding to the Office Action mailed July 20, 2004, a Terminal Disclaimer is filed herewith to overcome the double patenting rejection and to expedite the allowance of this application. The filing of this Terminal Disclaimer is not intended to reflect agreement with the basis of the rejection.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

By:   
Mitchell W. Shapiro  
Reg. No. 31,568

10/21/2004-RFEKADU1-00000016-501165-10082290

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MWS:lmb  
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October 20, 2004



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\* \* \*

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Empirical Technologies Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,463,187. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date

of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

A check for \$110.00 in payment of Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is attached.

October 20, 2004  
Date

By:   
Mitchell W. Shapiro  
Reg. No. 31,568

The PTO did not receive the following  
listed item(s). Check # 110 -